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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,643	10/06/2003	Thomas Luetze	095309.52833US	7820

23911 7590 04/21/2005

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EXAMINER

MORROW, JASON S

ART UNIT PAPER NUMBER

3612

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/678,643

Applicant(s)

LUETZE ET AL.

Examiner

Jason S. Morrow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 22-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/6/03</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Species I in the reply filed on 3/18/05 is acknowledged.
2. Claims 22-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/18/05.

### *Specification*

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

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(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT

(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A

COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).

"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino

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acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. The disclosure is objected to because of the following informalities:

It refers to the claims in the specification on page 1 in paragraphs 1 and 4, and page 8, in paragraph 1.

There are no section headings in the specification.

Appropriate correction is required.

#### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 7, 8, 11-13, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the respective snap-in connecting side of the visible element and of the support element" in lines 3-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "its snap-in connecting side" in line 3. There is insufficient antecedent basis for this limitation in the claim.

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Claim 11 recites the limitation "the snap-in sockets" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "its snap-in connecting side" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the wheel house edge" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Berdan et al.

Re claim 1, Berdan et al. discloses a vehicle covering part having a snap-in connecting system characterized in that the vehicle covering part has a support element (36) which can be fastened to the vehicle with a cohesive material joint (52, 54), and a visible element (24) which can be connected to the support element by snapping it in place (by the snaps 26).

Re claim 2, the vehicle covering part is two parts (as it must be for the door to open in figure 1).

Re claim 3, the support element can be fastened to a vehicle body with a cohesive material joint by means of a glued joint (52).

Re claim 4, the support element has at least one layer of glue (52) on its side for fastening to the vehicle.

Re claim 5, the layer of glue is designed as a double-sided adhesive tape (52, 54).

Re claim 6, the visible element has a plurality of snap-in projections (26) arranged spaced apart from one another, and the support element has a plurality of snap-in sockets (34) arranged in a complementary manner.

Re claim 7, the snap-in projections and the snap-in sockets are arranged in a central overlapping region on the respective snap-in connecting side of the visible element and of the support element (see figure 1, the connectors are in a horizontally central region).

Re claim 8, snap-in connecting points lying spatially offset with respect to one another in the overlapping region are provided (see figure 3).

Re claim 9, the snap-in sockets form passage openings and are arranged recessed with respect a side of the visible element (see figure 3).

Re claim 10, the support element is provided on its snap-in connecting side with a surface structure (36) which increases stiffness.

Re claim 11, the support element is provided on its snap-in connecting side with at least one protruding receiving rail (the portions which protrude rearwardly toward the mounting surface in figure 3 and are connected to the mounding surface the by the tape (54) in which the snap-in sockets are arranged in a completely integrated manner.

Re claim 12, the support element has, on its snap-in connecting side, at least one bearing contact surface (46) which directs the visible element into a defined installation position in a centering manner.

Re claim 13, the bearing contact surface of the support element is used to bring about a position-stabilizing prestress of the visible element when it is in the installation position and is connected by having been snapped in place (by connectors 34, 26).

Re claim 14, the snap-in connections on that side of the support element which is for fastening to the vehicle can be undone by means of a resilient movement of the snap-in projections and/or of the snap sockets (see figure 3).

Re claim 15, the support element is completely shielded by the visible element towards the visible side (see figure 3).

Re claim 16, an edge on the visible side of the visible element bears flush against an edge on the fastening side of the support element (see figure 8 which shows such a feature).

Re claim 17, the edge on the visible side of the visible element protrudes over the edge on the fastening side of the support element and shields the same on the visible side (see figure 3).

Re claim 18, that side of the support element which is for fastening to the vehicle has an automatically centering surface contour (see figure 1, by being shaped to follow the shape of the wheel wells).

Re claim 19, the vehicle covering part is an outer visible part on the vehicle body (see figure 3).

Re claim 20, the vehicle covering part is an outer covering part on the wheel house edge (see figure 3).

Re claim 21, the support element and/or visible element is produced from plastic (column 2, line 23).



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*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nagata et al., Adell, Logan, Scott, Nada et al., Takeda et al., and McSharry et al. disclose vehicle trim members.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason S. Morrow  
Examiner  
Art Unit 3612

April 18, 2005

**JASON MORROW**  
**PRIMARY PATENT EXAMINER**

4/18/05